

**SUPREME COURT MINUTES
FRIDAY, JULY 17, 1998
SAN FRANCISCO, CALIFORNIA**

S067104 People, Respondent

v.

Cruz Alberto Mendoza et al., Appellants

On application of appellant Cruz Alberto Mendoza and good cause appearing, it is ordered that the time to serve and file opening brief on the merits is extended to and including September 14, 1998.

S021331 People, Respondent

v.

Curtis Lee Ervin, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including September 14, 1998.

S022224 People, Respondent

v.

Darren Cornelius Stanley, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including September 18, 1998.

No further extensions of time are contemplated.

S022481 People, Respondent

v.

Martin Anthony Navarette, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including September 18, 1998.

S031603 People, Respondent

v.

John Irving Lewis, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 18, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S033901 People, Respondent

v.

Catherine Thompson, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including August 12, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S035368 People, Respondent

v.

Enrique Zambrano, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 29, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S070009 In re **Herman Cowan, Jr.**, on Discipline

It is hereby ordered that **Herman Cowan, Jr.**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S070010 In re **Kim Calder Hayes** on Discipline

It is ordered that **Kim Calder Hayes** be suspended from the practice of law for six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed January 8, 1998, as amended

by its order filed February 19, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S070011 In re **Andrew Frisch** on Discipline

It is ordered that **Andrew Frisch** be suspended from the practice of law for six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of that suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for six months and until he makes restitution to Mr. and Mrs. Ronald Bass in the amount of \$1750, plus 10% interest per annum from March 15, 1994, and \$1000, plus 10% interest per annum from February 28, 1994, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. Should the period of actual suspension exceed two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c) (ii). He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed January 30, 1998, as modified by its order filed February 26, 1998. It is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* It is further ordered that he take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension or within one year after the effective date of this order, whichever period is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business and Professions Code section 6126, subd. (c).)

S070012 In re **Kenneth P. Sammut** on Discipline

It is ordered that **Kenneth P. Sammut** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; that execution of suspension be stayed; and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed February 4, 1998, as modified by its order filed February 23, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business and Professions Code section 6126, subd. (c).)

S070074 In re **Donald Arthur Asplund** on Discipline

It is hereby ordered that **Donald Arthur Asplund** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business and Professions Code section 6126, subd. (c).)

S070075 In re **James L. Hermanson** on Discipline

It is hereby ordered that **James L. Hermanson** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business and Professions Code section 6126, subd. (c).)

S070077 In re **Franklin K. P. Moore** on Discipline

It is ordered that **Franklin K. P. Moore** be suspended from the practice of law for two years and until he makes restitution to Everett and Linda Cronk in the amount of \$300 plus 10% per annum interest from May 29, 1996, or to the State Bar Client Security Fund if appropriate, and furnishes satisfactory proof thereof to the State Bar Probation Unit, that execution of said suspension be stayed, and that he be placed on probation for two years on conditions including actual suspension for 60 days and until he makes restitution to Everett and Linda Cronk in the amount of \$300 plus 10% per annum interest from May 29, 1996, or to the State Bar Client Security Fund if appropriate, and furnishes satisfactory proof thereof to the State Bar Probation Unit. If his actual suspension should continue for two years or more, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c) (ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in decision filed December 22, 1997, as amended by its order filed March 4, 1998. He is further ordered to comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, after the date this order is effective if the period of actual suspension continues for 90 days or longer.* Costs payable in accordance with Business and Professions Code section 6140.7 are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

*(See Business & Professions Code, section 6126, subd. (c).)

S070083 In re **Steven Frank Anderson** on Discipline

It is ordered that **Steven Frank Anderson** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including 30 days actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its decision filed February 4, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) The

period of probation and actual suspension herein shall commence once he is transferred to active enrollment. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S070084 In re **Guido Roy Smith** on Discipline

It is hereby ordered that **Guido Roy Smith** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business and Professions Code section 6126, subd. (c).)

S070086 In re **William Douglas Weigand, Jr.** on Discipline

It is ordered that **William Douglas Weigand, Jr.**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 19, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

S070151 In re **William Armand Wright** on Discipline

It is ordered that **William Armand Wright** be suspended from the practice of law for 90 days and until he makes restitution to Ernest Pereira, or to the State Bar Client Security Fund if appropriate, in the amount of \$9,200 plus 10% per annum interest from July 19, 1995, that execution of said suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding the

stipulation filed on March 18, 1998. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S070153 In re **Arthur Frederick Silber** on Discipline

It is ordered that **Arthur Frederick Silber** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c) (ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed February 26, 1998, as modified by its order filed March 20, 1998. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. and Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code section 6126, subd. (c).)

S070155 In re **Richard Allen Shore** on Discipline

It is ordered that **Richard Allen Shore** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension for 45 days, recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed in the State Bar Court regarding this matter on March 13, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S070157 In re **Steven C. Peck** on Discipline

It is ordered that **Steven C. Peck** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including payment of restitution and actual suspension for 60 days, recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed on March 19, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination, and provide the State Bar Probation Unit with satisfactory evidence that he has passed that examination, within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S070159 In re **Daniel David Dydzak** on Discipline

It is ordered that **Daniel David Dydzak** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 6, 1998, as modified by its order filed April 3, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. and Prof. Code section 6086.10 and payable in accordance with Bus. and Prof. Code section 6140.7 as amended effective January 1, 1997.